

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RALPH C. NEAL,

Civil Action No. 08-C-0464

Plaintiff,

Judge: William C. Greisbach

v.

CHRISTOPHER & BANKS
COMPREHENSIVE MAJOR MEDICAL
PLAN, CHRISTOPHER & BANKS GROUP
DISABILITY INCOME INSURANCE
PLAN, and CHRISTOPHER & BANKS,
INC.

**DECLARATION OF GLENN
SALVO IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Defendants.

I, Glenn Salvo, declare and state as follows:

1. I am an associate at Dorsey & Whitney LLP. I am counsel for Defendants.

I offer this declaration in support of Defendants' motion for summary judgment on the Administrative Record. Attached to this Declaration are true and correct copies of those portions of the Administrative Record to which Defendants refer in their Proposed Findings of Fact and Memorandum in Support of Defendants' Motion for Summary Judgment on the Administrative Record.

2. Attached hereto as Exhibit A is a true and correct copy from the Administrative Record of Christopher & Banks' determination of Mr. Neal's appeal, in the form of a March 20, 2008 letter to Mr. Neal's counsel George Burnett, Esq., signed on behalf of Christopher & Banks by Harold Sassaman and Mary Madison. (CB 000001-04.) As prepared and provided to Mr. Neal, this letter included several enclosures from

the Administrative Record, which are separately identified by Exhibit number and attached hereto as follows:

- a.). Attached hereto as Exhibit B is a true and correct copy from the Administrative Record of the Christopher & Banks Comprehensive Major Medical Plan (the “Plan”), dated December 1, 2005. (CB 000005-98.)
- b.). Attached hereto as Exhibit C is a true and correct copy from the Administrative Record of the spreadsheet provided to Mr. Neal with Exhibit A detailing Mr. Neal’s transplant and transplant-related claims for benefits with dates of service from April 5, 2006 to October 29, 2007, which were denied post-service from April 25, 2006 to November 13, 2007. (CB 000100-117.)
- c.). Attached hereto as Exhibit D is a true and correct copy from the Administrative Record of the Liver Transplant Guidelines that Christopher & Banks received from Coventry’s Medical Director Dr. Floyd Shewmake, M.D., J.D. (CB 000118-122.)
- d.). Attached hereto as Exhibit E is a true and correct copy from the Administrative Record of the written consult report prepared by Dr. David K. Imagawa, M.D., dated February 22, 2008. (CB 000123-125.)
- e.). Attached hereto as Exhibit F is a true and correct copy from the Administrative Record of Abhinandana Anatharaju and David H.

Van Thiel, "Liver Transplantation for Alcoholic Liver Diseases,"
National Institute of Alcohol Abuse and Alchoholism,
<http://pubs.niaa.nih.gov/publications/arh27-3/257-269.htm>. (CB
000127-135.)

f.) Attached hereto as Exhibit G is a true and correct copy from the
Administrative Record of Dew et al., "Meta-Analysis of Risk for
Relapse to Substance Use After Transplantation of the Liver or
Other Solid Organs," 14 *Liver Transplantation* 159 (2008). (CB
000136-149.)

g.) Attached hereto as Exhibit H is a true and correct copy from the
Administrative Record of a letter dated March 21, 2006 from
Anthony D'Alessandro, M.D., Professor of Surgery, Division of
Transplantation at the University of Wisconsin, to Dollene Tyler,
Coventry/First Health. (CB 000150-151.)

3. Attached hereto as Exhibit I is a true and correct copy from the
Administrative Record of Coventry's February 26, 2008 recommendation to Christopher
& Banks that the Plan deny Mr. Neal's appeal of the denial of his transplant-related
claims for benefits. (CB 000305-312.)

4. Attached hereto as Exhibit J is a true and correct copy from the
Administrative Record of the Ralph C. Neal - Christopher & Banks Call Logs Summary
for transplant-related services. (CB 000163-166.)

5. Attached hereto as Exhibit K is a true and correct copy from the Administrative Record of Coventry/First Health's March 23, 2006 Notification that Mr. Neal's request for certification of his combined kidney-liver transplant procedure had been denied. (CB000178-183.)

6. Attached hereto as Exhibit L is a true and correct copy from the Administrative Record of documentation concerning appeals submitted by Mr. Neal on May 20, 2006 and March 9, 2007, relating to ambulance and transport services in early May 2006 (with charges totaling \$14,104.55). (CB 000236-239, 000287-293.)

7. Attached hereto as Exhibit M is a true and correct copy from the Administrative Record of Mr. Neal's appeal of the denial of his post-service request for certification of his combined kidney-liver transplant procedure in the form of a letter from his attorney George Burnett, Esq., to Coventry dated September 19, 2007. (CB 000294-95.)

8. Attached hereto as Exhibit N is a true and correct copy from the Administrative Record of a letter from Mr. Burnett to Coventry, dated October 30, 2007, with an October 31, 2007, fax header. (CB 000296-97.)

9. Attached hereto as Exhibit O is a true and correct copy from the Administrative Record of a letter from Coventry to Mr. Burnett dated November 12, 2007. (CB 000298-99.)

10. Attached hereto as Exhibit P is a true and correct copy from the Administrative Record of a letter from Mr. Burnett to Coventry dated November 26, 2007. (CB 000300-301.)

11. Attached hereto as Exhibit Q is a true and correct copy from the Administrative Record of a letter from Coventry to Mr. Burnett dated December 3, 2007. (CB 000302-303.)

12. Attached hereto as Exhibit R is a true and correct copy from the Administrative Record of a letter from Mr. Burnett to Coventry dated January 17, 2008. (CB 000304.)

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 20, 2009

s/ Glenn Salvo
Glenn Salvo